

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**BROTHER INDUSTRIES, LTD.**

**Plaintiff,**

**v.**

**EZ REPLACEMENT LABELS, LLC**

**Defendant.**

**Case No.: 1:13-cv-1095-GMS**

**STIPULATION, CONSENT JUDGMENT AND PERMANENT INJUNCTION**

This Stipulation, Consent Judgment and Permanent Injunction (“Consent Judgment”) is entered into, by and between Plaintiff Brother Industries, Ltd. (“Brother”) and Defendant EZ Replacement Labels, LLC (“EZ”), subject to approval by the Court.

WHEREAS, Brother brought this suit against EZ for infringement of U.S. Patent Nos. RE43,228 (“the ‘228 patent”) and RE43,022 (“the ‘022 patent”) (collectively “Patents-In-Suit”), based on EZ’s unauthorized importation into the United States and/or sale and/or offer for sale of certain label tape cassettes including, but not limited to, label cassettes having the following product designations: EZ0901, EZ1201, EZ12202, EZ1801, EZ2401, EZ0904, EZ1205, EZ12206, EZ1803, EZ2404, EZ0905, EZ1207, EZ1804, EZ2405, EZ0906, EZ1208, EZ1805, EZ2406, EZ0908, EZ1210, EZ1807, EZ2408, EZ0909, EZ1211, EZ1808, EZ2409, EZ0910, EZ1212, EZ1809, and EZ2410 (collectively “Accused Products”);

WHEREAS, Brother and EZ, Brother through its legal counsel and EZ through a Member, hereby agree to entry of this Consent Judgment and Permanent Injunction.

**NOW, THEREFORE, IT IS STIPULATED, ORDERED AND ADJUDGED:**

1. This is an action for patent infringement under the patent laws of the United States, Title 35 of the United States Code.
2. This Court has jurisdiction over Defendant and the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a). Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(b).
3. Brother is the owner of all right, title and interest in and to the '228 and '022 patents.
4. EZ acknowledges that all of the claims of the '228 and '022 patents are valid and enforceable.
5. EZ has imported into the United States and sold or brokered the sale and/or offered for sale the Accused Products in the United States.
6. EZ has infringed one or more claims of the Patents-In-Suit.
7. Effective as of the date this Stipulation, Consent Judgment and Permanent Injunction is entered by the Court, EZ and its Members, affiliates, officers, directors, agents, servants, employees, successors and assigns and all other persons and organizations in active concert or participation with it, are hereby permanently enjoined and restrained from engaging in any of the following activities in the United States for the life of the "'228" and "'022" patents:
  - (a) making, using, selling or brokering the sale or offering for sale in the United States or importing into the United States, any of the Accused Products and any other label cassettes that infringe one or more claims of either of the '228 and '022 patents for the life of those patents;
  - (b) otherwise directly infringing, contributorily infringing or inducing infringement of any of the claims of the '228 and '022 patents with respect to the Accused

Products and any other label cassettes that fall within the scope of one or more claims of either of the '228 and '022 patents for the life of those patents; and

(c) assisting, aiding or abetting any other person or business entity in engaging in or performing any of the activities referred to in subparagraphs (a) and (b) above for the life of those patents.


8. EZ and Brother shall bear their own costs and attorney fees.

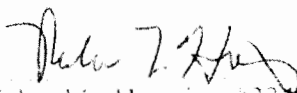
9. This Consent Judgment constitutes a final judgment concerning the subject matter of this action as between Brother and EZ arising out of or under the '228 and '022 patents with regard to EZ's importation of the Accused Products into the United States on or before the date this Stipulation, Consent Judgment and Permanent Injunction is entered, and its use, offer for sale, sale, brokering the sale or other disposition of the Accused Products on or before the date that this Stipulation, Consent Judgment and Permanent Injunction is entered.

10. EZ and Brother waive any right to appeal from this Consent Judgment and Permanent Injunction.

11. Upon entry of this Consent Judgment and Permanent Injunction, this litigation is dismissed with prejudice, provided, however, that this Court shall retain jurisdiction to enforce the terms and provisions of the Consent Judgment.

STIPULATED AND CONSENTED TO:

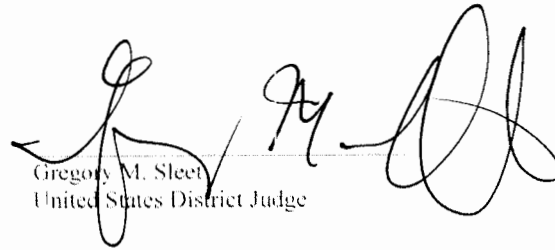
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*Attorney for Plaintiff Brother Industries,  
Ltd*

SO ORDERED AND ADJUDGED:

Dated: Sept 3, 2013

  
Gregory M. Sleet  
United States District Judge